

POINT OF ORDER RE: COCHIN CHIEF COURT REGULATION  
AMENDMENT BILL

1409

Point of order regarding the Cochin Chief Court  
Regulation Amendment Bill.

**Mr. M. K. Raman.**—Before we proceed to the next item in the agenda, I wish to raise a point of order. In the last meeting of the same session, I introduced a Bill to amend the Cochin Chief Court Regulation and that was not included in the agenda for this session. I understand the reason is that no notice was issued in time for the inclusion of the same in the agenda paper. My submission is, according to the Rules and the Standing Orders, no fresh notice is necessary to be given by the Member who seeks to introduce a Bill. Wherever notice is necessary, it is specially provided for under the Rules. I refer you, Sir, to Rule 30. "*Any Member, other than a Member acting on behalf of Government, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.*" Therefore, a notice is necessary for leave to introduce; and next I refer you to Standing Order 31. "*At any time after a Bill has been published in the Gazette, the Member in charge of the Bill may introduce it.*" There is no provision necessitating a fresh notice to be issued, and in this Council that was the practice also. I request the President to consider that point and to give a ruling with regard to that. Because there is no provision in the Rules or Standing Orders which necessitates a Member to issue a fresh notice while the Bill is sought to be introduced, my Bill may be allowed to be introduced.

**President.**—You are referring to Standing Order 31 and Legislative Council Rule 30, sub-division (1)?

**Mr. M. K. Raman.**—Yes, Sir. My point is it is not necessary for the Member to give a fresh notice when he seeks to introduce a Bill. It is only at the stage of leave to introduce that notice is necessary and in my case that leave to introduce has been obtained. The next process is only introduction. My submission is, therefore, notice is not necessary. I request my Bill also may be included in the agenda. This is also a continuation of the last session.

**President.**—But we considered these Standing Orders.

**Mr. T. K. Krishna Menon.**—On a similar occasion, in connection with a similar motion, it was distinctly ruled by the President that notice should be given. That is in connection with Mr. C. A. Kunjunni Raja's Bill. The Member now speaking was also present on that occasion.

**President.**—He knows that. He is saying that there is no Standing Order or Rule justifying the giving of notices. Why should he not rely on the Standing Order or the Rule rather than the President's ruling? I want to know whether these Standing Orders or Rules were considered at the time.

This is a matter in which I gave my ruling. He wants the ruling to be reconsidered. That is why I am enquiring whether these Rules were considered.

**Mr. T. K. Krishna Menon.**—The ruling on that occasion was under Standing Order 19 (2).

**President.**—I suppose your attention has been drawn to that, Mr. Raman.

**Mr. M. K. Raman.**—Yes, Sir, that is for a motion and not for Bills.

**President.**—This is a motion.

**Mr. T. K. Krishna Menon.**—That is the general rule that for all motions notice should be given. S. O. 19 (2).

**President.**—That also has to be considered in this connection. "*Save as otherwise provided for in the Rules or Standing Orders, a Member who wishes to move a motion shall give notice of his intention to the Secretary six clear days before the meeting at which he intends to move the motion.*" It is clear on the point. What have you to say about S. O. 19 (2)?

**Mr. M. K. Raman.**—My point is that Standing Order 19 (2) refers to mere motions and not for Bills. There are particular modes of procedure prescribed for Bills. They are the ones applicable here and not the one which speaks of mere motions in general. My submission, therefore, is that a fresh notice is not necessary. Leave has already been obtained for the introduction of the Bill and the next stage will be the introduction of the Bill and I may be permitted to do that.

**President.**—We have to prepare the agenda and the statement of business and we cannot anticipate whether a Member is going to move or not unless the Member expresses his intention to do so.

**Mr. M. K. Raman.**—My submission will be that, unless the Member gives information otherwise, it means, since he has already sought leave to introduce the Bill, that he will go to the next stage automatically. And that was also the practice.

**President.**—According to the general rule with regard to questions, resolutions and Bills, you have to make motions. For instance, with regard to a question or a resolution, you give notice. "I give notice that I intend to put such and such question in the ensuing sitting of the Council".

**Mr. M. K. Raman.**—With regard to resolutions, separate notice is necessary and there is a particular section making provision for it. So too with regard to questions. Standing Order 19 only refers to independent motions and not to Bills, resolutions or questions.

POINT OF ORDER RE: COCHIN CHIEF COURT REGULATION  
AMENDMENT BILL

1411

**Mr. V. K. Kochunni Menon.**—That is made clear by Standing Order 30.

**President.**—It relates only to motions for leave to introduce and not actual introduction.

Anyhow the point of order may be noted and you will submit a further note so that I may consider it.

**Mr. T. K. Krishna Menon.**—Yes, Sir.

**President.**—Your case is one of reconsideration of a ruling already given.

**Mr. M. K. Raman.**—I wish also to bring to your attention, Sir, that, even if notice is insisted upon under S. O. 19 (2), I have given a notice, and the six days have elapsed by to-day.

**President.**—I have considered that point also. The word 'meeting' there, according to the view I have taken, must be considered to mean the commencement of the meeting, that is, the first day of the meeting.

**Mr. M. K. Raman.**—I refer to Standing Order 7, Sir. The word 'meeting' is not to be understood as the whole period five days. Each day we have a meeting. The list of business for the day shall be prepared by the Secretary and circulated to all Members. My notice is dated 22nd Meenam 1104. Already 6 days have elapsed. For every day a list of business has to be prepared. Of course, for the sake of convenience, we have got a list which consists of the business for all the five days. But, in the meanwhile, if notice is obtained after the publication of the first agenda for all the five days together, a fresh agenda may be placed. The requisite number of 6 days under Standing Order 19 has already elapsed after my giving notice, and so I am entitled now to bring my motion.

**President.**—That is also a point which has not been left unconsidered.

**Mr. M. K. Raman.**—Meeting means the meeting of the Council. That is the definition. My submission is a meeting means a day's meeting. It may also be noted that, in regard to cut motions during the Budget Session, we are giving notice on the first day and even while the Council is sitting.

**President.**—The President can waive the period of time limit. He can accept amendments on the spur of the moment. What I pointed out was, in regard to notice for questions, resolutions and Bills, we must be strict. So many things have to be prepared, and if they are put in on the spur of the moment, it will be very difficult for the Members to get ready. So, in regard to these 3 points, I have ruled that the time-limit should be strictly observed. In other cases I waive the rule.

**Mr. K. P. Kannan Nayar.**—The question of balloting has also to be considered.

**President.**—That is another point. We have considered that also.

**Mr. T. K. Krishna Menon.**—This is no analogy to the motions during the Budget Session because the case there is different.

**Mr. M. K. Raman.**—With regard to the question of balloting, it is only when there are more Bills than one of the same stage that the question of balloting will come in.

**President.**—We have considered all these points and given a ruling. Since you say you want it to be reconsidered, I shall reconsider it.

**Mr. M. K. Raman.**—Even with regard to balloting, the answer to question 601 is that 9 resolutions were received late and so they were put in the list after the balloted ones. The process of balloting is only just to arrange the order in which they should come up. That is not an essential condition and I am prepared to take this as the last one. The worst that will happen in the ballot is that it may come as the last one. So this may be considered and a ruling given.

#### **Bill to amend the Cochin Nayar Regulation.**

**President.**—The next item is the introduction of the Bill to amend the Cochin Nayar Regulation of Mr. Kannan Nayar.

**Mr. K. P. Kannan Nayar.**—I move that the Bill to amend the Cochin Nayar Regulation be read in Council.

**Mr. E. Ikkanda Warriar.**—I beg to second it.

**Mr. K. P. Kannan Nayar.**—I do not propose to discuss at length the general principles underlying these amendments. The amendments are about 21 in number, and some of them are only verbal alterations intended to clear the language of some of the sections of the Regulation in order to satisfy the spirit of the decisions, which have been now and then given with reference to some of these sections, and there are some other changes, of course, one or two, which may require some serious consideration. One like that is with reference to the dissolution of marriage on account of certain reasons. There is an amendment to this proposed by me, and probably that may have to be very seriously considered by this House. There is another amendment with reference to family management. I do not want to go into the details of all these amendments. I have proposed that the *karanavan* may be made accountable with reference to his management. As the Regulation now stands, it is doubted by the Highest Court whether he has got liability to account to any other member. That liability itself being doubted, it is doubtful whether that liability can be enforced by any other member or any *thavazhi* by means of taking any proper legal process. With reference to delegation of powers, the Regulation states